

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL**

Criminal Misc. Application No. 431 of 2006

Mohit Arora S/o Sri Pooran Lal Arora
R/o Durga Hotel, Civil Lines
House No. 2, Sahajhanpur
P.S. Sadar District Sahajanpur, U.P. ... Applicant

Vs.

1. State of Uttaranchal through Secretary
Home Affairs, Dehradun
2. Sri Amarjeet Singh S/o Iswar Singh
R/o Village Pratap Pur,
P.S. Nanakmatta
District Udham Singh Nagar
3. Mr. D.L. Verma, S.S.I. Investigating Officer
P.S. Khatima
District Udham Singh Nagar ... Respondents

Hon'ble B.C. Kandpal, J.

Heard Sri R.S. Sammal, learned counsel for the petitioner and perused the record.

2. It reveals from the perusal of the record that the chargesheet against the petitioner was filed before the trial court on 14.05.2002.

3. The petitioner has been participating in the proceeding of the case since thereafter. The record further reveals that the petitioner was not present before the court on 17.04.2006 hence, the summon was issued against him.

4. From the perusal of the petition as well as the supplementary affidavit filed by the petitioner, I do not find any abuse of process of the court. Therefore, no flagrant injustice is going to be caused to the petitioner.

5. The petition lacks merits and is liable to be dismissed.

6. Accordingly, the petitioner is dismissed.

(B.C. Kandpal, J.)

04.07.2006

ASWAL